UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

COLONY INSURANCE	§
COMPANY,	§
	§
Plaintiff,	§
	§ CIVIL ACTION NO. 4:18-CV-03429
V.	§
	§
FIRST MERCURY INSURANCE	§
COMPANY,	§
	§
Defendant.	§

DECLARATION OF CYRUS W. HARALSON IN SUPPORT OF DEFENDANT FIRST MERCURY INSURANCE COMPANY'S MOTION TO STRIKE

- I, Cyrus W. Haralson, say:
- 1. I am over eighteen years of age, I am competent to testify, and I have personal knowledge of the facts set forth herein.
- 2. I am co-counsel of record for Defendant First Mercury Insurance Company ("First Mercury") in the above-captioned action, and I submit this declaration in support of First Mercury's Motion to Strike.
- 3. On April 9, 2019, Plaintiff Colony Insurance Company ("Colony") filed its Motion for Partial Summary Judgment on Coverage Under First Mercury's Excess Policies. [Doc. 22.]

- 4. The facts asserted in First Mercury's Motion to Strike, and incorporated herein, are true and show that Colony's Motion is premature.
- 5. First Mercury will not be able to properly address, as required by Federal Rule of Civil Procedure 56(c), Colony's assertions of fact in its Motion until adequate discovery has been conducted.

DATED this 30th day of April, 2019

/s/ Cy Haralson Cyrus W. Haralson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure on this the 30th day of April, 2019.

/s/ Brian S. Martin
Brian S. Martin